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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/134,831	08/17/1998	RICHARD P. METTKE	6388.005	8517

7590 07/13/2004

Richard Mettke
7921 Panary Court
Reynoldsburg, OH 43068

EXAMINER

ART UNIT	PAPER NUMBER
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4)

DATE MAILED: 07/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notification of Non-Compliance
With 37 CFR 1.192(c)**

Application No.

09/134,831

Applicant(s)

METTKE, RICHARD P.

Examiner

Stella L. Woo

Art Unit

2643

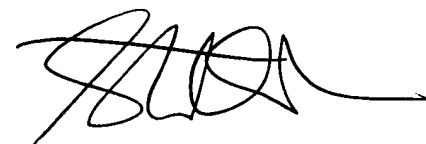
--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 24 February 2004 is defective for failure to comply with one or more provisions of 37 CFR 1.192(c). See MPEP § 1206.

To avoid dismissal of the appeal, applicant must file IN TRIPLICATE a complete new brief in compliance with 37 CFR 1.192(c) within the longest of any of the following three **TIME PERIODS**: (1) **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer; (2) **TWO MONTHS** from the date of the notice of appeal; or (3) within the period for reply to the action from which this appeal was taken. **EXTENSIONS OF THESE TIME PERIODS MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☐ The brief does not contain the items required under 37 CFR 1.192(c), or the items are not under the proper heading or in the proper order.
2. ☒ The brief does not contain a statement of the status of all claims, pending or cancelled, or does not identify the appealed claims (37 CFR 1.192(c)(3)).
3. ☒ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 1.192(c)(4)).
4. ☒ The brief does not contain a concise explanation of the claimed invention, referring to the specification by page and line number and to the drawing, if any, by reference characters (37 CFR 1.192(c)(5)).
5. ☒ The brief does not contain a concise statement of the issues presented for review (37 CFR 1.192(c)(6)).
6. ☐ A single ground of rejection has been applied to two or more claims in this application, and
 - (a) ☐ the brief omits the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet presents arguments in support thereof in the argument section of the brief.
 - (b) ☐ the brief includes the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet does not present arguments in support thereof in the argument section of the brief.
7. ☒ The brief does not present an argument under a separate heading for each issue on appeal (37 CFR 1.192(c)(8)).
8. ☒ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 1.192(c)(9)).
9. ☒ Other (including any explanation in support of the above items):

see attached sheet



Stella L. Woo
Primary Examiner
Art Unit: 2643

NOTIFICATION OF NON-COMPLIANCE WITH THE REQUIREMENTS OF 37 CFR

1.192(c)

1. The brief does not contain a statement of the status of an amendment filed subsequent to the *final* rejection as required by 37 CFR 1.192(c)(4). Appellant states that “[a]ll amendments and responses to Office actions have failed to persuade the Examiner.” However, this is not a statement of the status of an amendment filed subsequent to the *final* rejection. The amendment filed April 17, 2000 in response to the non-final Office action mailed August 25, 1999, and the amendment filed December 11, 2001 in response to the non-final Office action mailed June 11, 2001 have been entered. However, the after-final amendments filed April 24, 2002, May 29, 2002 and September 16, 2002 in response to the final rejection mailed March 12, 2002 were not entered.

2. The brief does not contain a concise explanation of the invention defined in the claims involved in the appeal, which refers to the specification by page and line number, and to the drawing, if any, by reference characters as required by 37 CFR 1.192(c)(5).

3. The brief does not contain a concise statement of the issues presented for review as required by 37 CFR 1.192(c)(6). The statement should be limited to the issues presented, and should not include any argument concerning the merits of those issues. Each stated issue should correspond to each separate ground of rejection. For instance, one issue is whether new matter was introduced into the drawings and disclosure of the invention. Another issue is whether claim 7 is unpatentable under 35 USC 112, first paragraph, as containing subject matter which was not described in the disclosure at the time the application was filed. Another issue is whether claims 6-9 are unpatentable under 35 USC 103(a) over the article entitled “TouchFax Provides the

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Ultimate in Place-Based Interactivity in view of the TouchFax brochure entitled "Vision, Power, Versatility," and further in view of an article by Rawn Shah entitled "Suggestions for Information Kiosk Systems using the World Wide Web."

Each issue should be treated under a separate heading.

4. The brief does not contain, for each rejection under 35 U.S.C. 112, (first paragraph), an argument which specifies errors in the rejection and how the first paragraph of 35 U.S.C. 112 is complied with, including how the specification and drawings, as originally filed, describe the subject matter defined by claim 7.
5. The brief does not contain a correct copy of the claims involved in the appeal in the Appendix. The amendment filed April 17, 2000 in response to the non-final Office action mailed August 25, 1999, and the amendment filed December 11, 2001 in response to the non-final Office action mailed June 11, 2001 have been entered. Therefore, claims 6 and 8 should be presented as in the amendment filed April 17, 2000, and claims 7 and 9 should be presented as in the amendment filed December 11, 2001.
6. The Protest filed November 4, 1998 by TouchNet Information Systems, Inc. and the Protest filed April 1, 1999 by North Communications, Inc. are missing from the file wrapper. The examiner requests assistance from the Appellant to submit a copy of both protests to the U.S. Patent and Trademark Office in order to provide a complete record in the application.
7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. EP 0486160 A2 (TouchFax) shows a multi-purpose public facsimile transmission terminal which corresponds with the TouchFax terminal described in the TouchFax article and brochure relied upon in the rejection of claims 6-9 under 35 USC 103(a).

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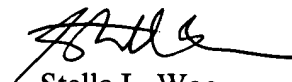
8. Appellant is required to comply with provisions of 37 CFR 1.192(c).

To avoid dismissal of the appeal, Appellant must comply with the provisions of 37 CFR 1.192(c) within the longest of any of the following TIME PERIODS: (1) ONE MONTH or THIRTY DAYS, whichever is longer, from the mailing of this communication; (2) within the time period for reply to the action from which appeal has been taken; or (3) within two months from the date of the notice of appeal under 37 CFR 1.191. Extensions of these time periods may be granted under 37 CFR 1.136.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stella L. Woo whose telephone number is (703) 305-4395. The examiner can normally be reached on Monday-Tuesday, Thursday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (703) 305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Stella L. Woo
Primary Examiner
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